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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,940	01/17/2001	Brian Thornton	BT5302	6173

7590 07/08/2003

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EXAMINER

EVANS, ROBIN OCTAVIA

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 07/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,940

Applicant(s)

THORNTON, BRIAN

Examiner

Robin O. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Reopen Prosecution

1. After careful consideration of the appeal brief and applicant's arguments, the finality of the last Office action is withdrawn, prosecution of the application has been reopened and a new non-final rejection appears below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu.

Hsu discloses an apparatus having a dispenser 20 having a lower chamber and an upper chamber 211 and a lower chamber 2, upstream opening 24, downstream opening 201, a first powered valve connected to the upstream opening, a second powered valve 231 connected to the downstream opening, first water line 43 and second water line 23. It should be noted that since the valves are actuated from the outside they are considered to be powered valves such as man powered valves.

1. Claim 16 rejected under 35 U.S.C. 102(e) as anticipated by Truong or, in the alternative, under 35 U.S.C. 103(a) as obvious over Truong in view of Ferguson et al.

Truong shows a dispenser having a tee connector 31, upper opening, lower chamber, cylinder 42 secured to the upper opening, an upper chamber formed by cylinder 42, the upper

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chamber having a lower portion 43, plurality of side openings 44, plurality of bottom openings which are defined as the bottom portion of lower portion and the lower portion of the lower chamber being unobstructed across its length as seen in figure 1. It should be noted since the claims does not specifically state that the bottom is the bottom surface of the cylinder the limitation "bottom" has been given the broadest interpretation and has been considered the bottom portion of the lower portion of the cylinder. Or in the alternative Ferguson et al. shows another cylinder 7 having holes in the sides and the bottom of the cylinder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the cylinder of Truong's device with a plurality of opening on the bottom in addition to the ones on the side so as to have a feeding system that will have a greater effect on the water issuing therethrough.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong in view of Hsu.

Truong shows all of the claimed limitations including an upstream opening and a downstream opening but does not show a powered valve connected to the openings. Hsu shows powered valves in the form of solenoid valves 11 and 14 connected before and after a tee connector 10, which mixes one flow with another flow. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a powered solenoid

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valves like the ones shown by Hsu to the device of Truong so as to be able to control the flow and the use of the device in an automatic manner.

As to claim 17 and the limitation of the tee connector having a first reducer bushing and a second reducer bushing, since the tee connector shown is disclosed as being connected to an existing sprinkler system, (see column 2, lines 42-43) the connector will have some type of connecting feature and it is deemed that the type of connection used will be determined by the user depending on the pipe system being connected thereto. Therefore it would have been obvious to use reducer bushings to connect the tee fitting to an existing pipe system with a pipe size smaller than the tee connector.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin O. Evans whose telephone number is (703) 305-5766. The examiner can normally be reached on Monday-Thursday, 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7766 for regular communications and (703) 308-7766 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



Robin O. Evans
Primary Examiner
Art Unit 3752

6/30/03



MICHAEL MAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

roe
June 30, 2003